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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,072	01/02/2002	Daniel Yellin	ITL.0613US	9193
7590	08/09/2005		EXAMINER WARE, CICELY Q	
Timothy N. Trop TROP, PRUNER & HU, P.C. 8554 KATY FWY, STE 100 HOUSTON, TX 77024-1805			ART UNIT	PAPER NUMBER
			2634	

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/039,072

Applicant(s)

YELLIN ET AL.

Examiner

Cicely Ware

Art Unit

2634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 January 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8-16 and 21-27 is/are rejected.
- 7) ☒ Claim(s) 6, 7, 17-20 and 28-30 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 January 2002 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Objections

2. Claims 6 and 28 are objected to because of the following informalities:
 - a. Claim 6, lines 13-14, examiner suggests applicant re-write these lines for clarification purposes.
 - b. Claim 28, lines 2-3, examiner suggests applicant re-write these lines for clarification purposes.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.
4. Claims 4, 5, 8-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
 - a. Claim 4, recites "substantially same". "Substantially same" is vague and

indefinite because it fails to specify a definite limitation.

b. Claim 8, recites "substantially equal". Substantially equal is vague and indefinite because it fails to specify a definite limitation.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 2, 3, 11, 12-16, 21-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Meyer et al. (US Patent Application 2002/0141437).

(1) With regard to claim 1, Meyer et al. discloses a method comprising: receiving over a channel a signal including a desired portion associated with a desired channel and an undesired portion mixed with said desired portion (Pg. 3, col. 1, lines 17-20); and recovering the desired portion from the signal by adaptively equalizing the channel based on at least one of prior knowledge and empirical estimation of the desired channel, and empirical estimation of the received signal auto-covariance (Pg. 4, col. 2, lines 7-13, 28-39, Pg. 5, col. 1, lines 23-28, col. 2, lines 26-30, 43-63).

(2) With regard to claim 2, claim 2 inherits all the limitations of claim 1. Meyer et al. further discloses receiving the desired portion of the signal including desired channel

portions of said channel from a desired source, receiving a priori information related to the desired portion over said channel to derive said prior knowledge (Pg. 4, col. 2, lines 1-46); receiving the undesired portion of the signal in a distorted form including an interference from one or more interfering sources (Pg. 3, col. 1, lines 17-20).

(3) With regard to claim 3, claim 3 inherits all the limitations of claim 2. Meyer et al. further discloses in (Figs. 6 and 8) using an array of at least two spatially separated antennas to receive the signal into at least two propagating signal portions through at least two propagation paths (Pg. 3, col. 2, lines 40-56, 68-70, Pg. 5, col. 1, lines 51-55).

(4) With regard to claim 11, see rejection of claim 1. Meyer et al. further discloses a processor (Pg. 1, col. 1, line 62 – col. 2, lines 1-13, Pg. 2, col. 2, lines 25-45, Pg. 4, col. 2, lines 7-40).

(5) With regard to claim 12, claim 12 inherits all the limitations of claim 11. Meyer et al. further discloses wherein said communication interface includes at least two antennas (Pg. 1, col. 1, lines 5-11, col. 2, lines 1-13, Pg. 3, col. 2, lines 68-70).

(6) With regard to claim 13, claim 13 inherits all the limitations of claim 11. Meyer et al. further discloses the device is a MODEM (Pg. 1, col. 1, lines 5-33, 54-65).

(7) With regard to claim 14, claim 14 inherits all the limitations of claim 13. Meyer et al. further discloses wherein the MODEM includes an equalizer capable of detecting said signal in the presence of at least one of co-channel and inter-symbol interferences (Pg. 1, col. 1, lines 54-65).

(8) With regard to claim 15, claim 15 inherits all the limitations of claim 14. Meyer et al. further discloses wherein the MODEM is adapted to operate in a cellular

Art Unit: 2634

environment with time division multiple access to enable digital transmission of the signal allowing a number of users to access a single radio frequency channel without interference by allocating unique time slots to each user within each channel (Pg. 1, col. 1, lines 5-24).

(9) With regard to claim 16, claim 16 inherits all the limitations of claim 11. Meyer et al. further discloses wherein said device is an adaptive equalizer providing a blind adaptive space-time equalization on said signal based on minimum mean square error that reduces an interference in a asynchronous time division multiple access cellular system (Pg. 1, col. 1, lines 5-24, Pg. 2, lines 54-64, col. 2, lines 25-44, Pg. 4, col. 1, lines 52-60-col. 2, lines 1-47).

(10) With regard to claim 21, see rejection of claims 1 and 11. Meyer et al. further discloses a cellular phone and a MODEM (Pg. 1, lines 5-11, 27-31).

Meyer et al. does not explicitly disclose a cellular phone and a MODEM. However it is well known in the art that a cellular phone is a digital mobile communication system and a MODEM comprises both receive and transmitter capabilities.

(11) With regard to claim 22, claim 22 inherits all the limitations of claim 21. Meyer et al. further discloses including an adaptive equalizer to provide a blind adaptive space-time equalization on said signal based on minimum mean square error (Pg. 4, col. 2, lines 1-47, Pg. 5, col. 1, lines 55-62 – col. 2, line 1).

(12) With regard to claim 23, claim 23 inherits all the limitations of claim 22. Meyer et al. further discloses the cellular phone is adapted to operate on the signal in a

Art Unit: 2634

cellular environment with time division multiple access to enable a general packet radio service over a network for global system for mobile communication (Pg. 1, col. 1, lines 5-24).

(13) With regard to claim 24, see rejection of claims 1, 11, 21. Meyer et al. further discloses a mobile device (Pg. 1, col. 1, lines 5-24).

(14) With regard to claim 25, claim 25 inherits all the limitations of claim 24. See rejection of claim 22.

(15) With regard to claim 26, claim 26 inherits all the limitations of claim 24. See rejection of claim 23.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Meyer et al. (US Patent Application 2002/0141437) as applied to claim 3, in view of Raleigh et al. (US Patent 6,452,981).

With regard to claim 4, claim 4 inherits all the limitations of claim 3. However Meyer et al. does not disclose estimating a space-time-cross-covariance matrix of the received signal and the desired channel from said at least two propagating signal portions and said a priori information related to the desired portion over a signal burst;

Art Unit: 2634

and deriving one or more equalizer coefficients that are based on averaging of the received signal over a time window that is the same as the signal burst.

However Raleigh et al. discloses estimating a space-time-cross-covariance matrix of the received signal and the desired channel from said at least two propagating signal portions and said a priori information related to the desired portion over a signal burst; and deriving one or more equalizer coefficients that are based on averaging of the received signal over a time window that is the same as the signal burst (abstract, col. 1, lines 17-43, col. 4, lines 41-48, 60-67, col. 6, lines 6-18, col. 10, lines 30-35, 44-50, col. 18, lines 21-32, col. 21, lines 57-64, col. 30, lines 19-40, col. 36, lines 6-27).

Therefore it would have been obvious to one of ordinary skill in the art to modify Meyer et al. in view of Raleigh et al. to incorporate estimating a space-time-cross-covariance matrix of the received signal and the desired channel from said at least two propagating signal portions and said a priori information related to the desired portion over a signal burst; and deriving one or more equalizer coefficients that are based on averaging of the received signal over a time window that is the same as the signal burst in order to characterize a collection of average channel directions and the associated average strength for each direction (Raleigh et al., col. 4, lines 44-48).

9. Claims 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meyer et al. (US Patent Application 2002/0141437) in view of Langberg et al. (U.S. Patent No. 5, 852, 630).

Meyer et al. discloses all of the subject matter as described in the previous

rejection (see rejection of claim 1), except for the method written as a computer program product with a computer readable storage medium.

However, Langberg et al. teaches that the method and apparatus for a transceiver warm start activation procedure with precoding can be implemented in software stored in a computer-readable medium. The computer readable medium is an electronic, magnetic, optical, or other physical device or means that can contain or store a computer program for use by or in connection with a computer-related system or method (note column 3, lines 51-65). One skilled in the art at the time the invention was made would have clearly recognized that the method of Meyer et al. would have been implemented into software. The implemented software would perform the same function of the hardware for less expense, greater adaptability, and greater flexibility. Therefore, it would have been obvious to have, used the software in Meyer et al. as taught by Langberg et al. in order to reduce cost and improve the adaptability and flexibility of the communication system.

Allowable Subject Matter

10. Claims 6, 7, 17-20, 28-30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The following is a statement of reasons for the indication of allowable subject matter: The instant application discloses a method for receiving over a channel a signal including a desired portion associated with a desired channel and an undesired portion mixed with the desired portion. Prior art

Art Unit: 2634

references show similar methods but fail to teach: **“averaging the temporal transition of the interference patterns across the at least two propagating signal portions to derive the desired portion from the received signal; operating on the channel using the at least two propagation paths to compute a measure indicative of an average behavior of the channel”**, as in claims 6, 17; **“providing an adaptive equalization by periodically repeating the empirical estimation of the desired channel and the received signal auto-covariance”**, as in claims 7, 28; **“use an array of at least two spatially separated antennas to receive the signal into at least two propagating signal portions through at least two propagation paths”**, as in claims 18, 29; **“derive one or more equalizer coefficients that are based on averaging of the received signal over one signal burst”**, as in claim 19; **“apply a threshold decision criterion to the common output to recover the desired portion from the received signal”**, as in claims 20, 30;

Conclusion

11. The prior art made record of and not relied upon is considered pertinent to applicant's disclosure:

a. Raleigh, US Patent 6006110, discloses a wireless communication network using time-varying vector channel equalization for adaptive spatial equalization.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cicely Ware whose telephone number is 571-272-3047.

The examiner can normally be reached on Monday – Friday, 8-5.


Art Unit: 2634

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Chin can be reached on 571-272-3056. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Cicely Ware

cqw
August 8, 2005



STEPHEN CHIN
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